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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,752	07/12/2001	Cedric Baudoin	Q65155	9598
23373	7590	09/20/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				TRAN, THIEN D
ART UNIT		PAPER NUMBER		
		2665		

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,752	BAUDOIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thien D. Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 05 July 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being participated by Prieto, Jr, et al (U.S Patent No. 6,381,228 B1).

Regarding claim 1, Prieto discloses a *resource manager for a satellite telecommunication system including a plurality of user stations and at least one satellite* (transmission resource for a satellite and multiple user, col.2 lines 60-65), *the resource manager including a congestion controller that assigns resources to downlinks* (MAC controller & FCM 38, col.8 lines 10-20, figure 3), *a demand assignment device that assigns resources to uplinks, and, for each satellite* (MAC & processor module 34, col.8 lines 55-65), *a central entity* (system 26, figure 3) *that includes:*

*a subsystem of the congestion controller* (MAC controller & FCM, figure 3) *adapted to:*  
*receive requests sent by user stations of said satellite, each request*  
*expressing the bit rate* (bandwidth resource, col.17 lines 18-20) *necessary for a*

*group of connections supported by a user station and by the same downlink of the satellite (co.7 lines 47-55), and*

*determine the bit rate authorized for the group of connections (col.8 lines 60-65), and*

*a subsystem of the demand assignment device adapted to allocate resources to an uplink, at each user station (MAC & processor module 34, col.8 lines 55-65), as a function of said bit rates authorized by said subsystem of the congestion controller and globally for all connections supported by said user station (figure 3).*

Regarding claim 3, Prieto discloses *that for each user station, said subsystem of said demand assignment device situated in the central entity is adapted to allocate resources to said downlinks (col.8 lines 55-65) on demand so that the sum of the bit rates assigned to the various connections supported by the same downlink is always less than (or at least equal) the maximum bit rate permitted for said link* (inherent in the method of allocating bandwidth of Prieto disclosed in col.8 lines 55-65 and col.10 lines 40-50), *to prevent congestion on said downlinks* (figures 5, 6).

### ***Allowable Subject Matter***

3. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 07/05/2005 have been fully considered but they are not persuasive.

Applicant argues that Prieto does not disclose a congestion control assigns resources to downlink. However, Examiner respectfully disagrees with the argument because Prieto discloses that MAC controller monitors the congestion and bandwidth estimation so that it can assign available bandwidth for the downlinks (each downlink can have multiple or group of users, col.2 lines 60-67, and col.3 lines 35-40).

***Conclusion***

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO**  
**PRIMARY EXAMINER**

*Duchho*

9-16-05